

1 CHIEF JUDGE RICARDO S. MARTINEZ

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3  
4 UNITED STATES DISTRICT COURT  
5 WESTERN DISTRICT OF WASHINGTON  
6 AT SEATTLE

7 UNITED STATES OF AMERICA, ) No. CR20-124-RSM  
8 Plaintiff, )  
9 v. ) ORDER GRANTING SECOND  
10 JOHN WESLEY STEWART, ) UNOPPOSED MOTION TO  
11 Defendant. ) CONTINUE TRIAL AND PRETRIAL  
MOTIONS DATES

12 THE COURT has considered Mr. Stewart's second unopposed motion to  
13 continue the trial date and pretrial motions deadline and finds that:

14 (a) taking into account the exercise of due diligence, a failure to grant a  
15 continuance in this case would deny counsel for the defendant the reasonable time  
16 necessary for effective preparation due to counsel's need for more time to review the  
17 evidence, consider possible defenses, and gather evidence material to the defense, as set  
18 forth in 18 U.S.C. § 3161(h)(7)(B)(iv); and

19 (b) a failure to grant such a continuance in this proceeding would likely result in  
20 a miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i); and

21 (c) the additional time requested is a reasonable period of delay, as the defendant  
22 has requested more time to prepare for trial, to investigate the matter, to gather evidence  
23 material to the defense, and to consider possible defenses; and

24 (d) the ends of justice will best be served by a continuance, and the ends of  
25 justice outweigh the best interests of the public and the defendant in any speedier trial,  
26 as set forth in 18 U.S.C. § 3161(h)(7)(A); and

1 (e) the additional time requested between the current trial date of June 28, 2021,  
2 and the new trial date is necessary to provide counsel for the defendant the reasonable  
3 time necessary to prepare for trial, considering counsel's schedule and all of the facts  
4 set forth above; and

5 (f) the period of delay from the date of this order to the new trial date is  
6 excludable time pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (h)(7)(B)(iv).

7 IT IS THEREFORE ORDERED that the trial date in this matter shall be  
8 continued to November 8, 2021, and that pretrial motions shall be filed no later than  
9 September 9, 2021.

10 DONE this 30<sup>th</sup> day of April, 2021.

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12 RICARDO S. MARTINEZ  
13 CHIEF UNITED STATES DISTRICT  
14 JUDGE

15 Presented by:

16 s/ *Michael Filipovic*  
17 Federal Public Defender  
18 Attorney for John Stewart  
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